

**IDENTIFICATION OF EXISTING COMMITMENTS INCLUDED IN THE BAY-DELTA ACTIONS RESOLUTION  
(State Water Board December 4, 2007 Agenda Item #18)**

| #  | Action   | Existing Commitment | Source/Impetus  |
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| 1. | The Water Boards are committed to ensuring protection of beneficial uses of water and to the equitable administration of water rights in the Bay-Delta and its tributaries. The Water Boards will ensure that impairments to beneficial uses are identified and comprehensively addressed while balancing the need for water quality and water supply reliability. The Water Boards will coordinate with existing Bay-Delta planning efforts to assure that the Water Boards' activities achieve these objectives.   | <b>Yes</b>          | Water Boards 2001 Strategic Plan, Goal #4: to balance "water resource protection and allocation."   |
| 2. | Water Boards staff will work with stakeholders and interested persons, including participants in the Delta Vision, BDCP, CALFED, and DRMS processes to prepare a strategic workplan that describes the scope of individual activities and provides specificity regarding timelines and resource needs for implementing coordinated activities in the Bay-Delta, including the activities listed below. As appropriate, program level and project level workplans have been, or will be, prepared for individual activities. The strategic workplan will be coordinated with existing Bay-Delta regulatory and planning efforts and will consider potential future conditions related to global climate change and other factors. The strategic workplan and scope of specific activities will be submitted to the Water Boards for approval by August of 2008. Water Boards staff will provide the Water Boards and interested persons with quarterly reports on development and implementation of the strategic workplan. | <b>No</b>           | Need for strategic workplan to guide the Water Boards efforts in the Bay-Delta in coordination with other processes.  |
| 3. | The Water Boards will take actions to address salinity issues in the Bay-Delta and upstream areas including:<br><br>(1) develop and implement CV-SALTS, a comprehensive long-term salinity management program for the Central Valley;  | <b>Yes</b>          | Direction from State Water Board Chair at January 2006 joint State and Central Valley Regional Water Board meeting. Central Valley Regional Board Resolution R5 2006-0024 requesting assistance from State Water Board. |

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|    | (2) act on DWR's request to change Order WR 2006-0006;  | <b>Yes</b>     | May 31, 2007 DWR request to change.   |
|    | (3) enforce the southern Delta salinity objectives and take other corrective actions; and   | <b>Yes</b>     | Legal mandate.: Bay-Delta Plan, State Water Board Decision 1641   |
|    | (4) pursue a contract to review the southern Delta salinity objectives in the Bay-Delta Plan.   | <b>Yes</b>     | 2006 Bay-Delta Plan commitment.   |
|    | In the strategic workplan, the Water Boards will determine the scope of a basin planning and water right process to review and, as appropriate, amend the southern Delta salinity objectives or their implementation, while ensuring that agricultural uses are protected, and allocate responsibility for meeting the objectives.  | <b>Partial</b> | 2006 Bay-Delta Plan commitment.   |
| 4. | The Water Boards will assess the POD synthesis report, the revised delta smelt biological opinion, and other information regarding the POD. The State Water Board will hold a workshop in January of 2008 to identify specific actions that should be taken to address the POD based on information obtained at the workshop. As part of the strategic workplan, the Water Boards will establish a timeline to review and amend, as appropriate, the Bay-Delta Plan to provide additional protection to pelagic organisms and other species and, following notice and opportunity for hearing, water rights permit or license requirements. The Water Boards will also implement other water quality actions based on this assessment. Short term actions will be taken as appropriate. | <b>Partial</b> | 2006 Bay-Delta Plan commitment.   |
| 5. | The Water Boards will assess DFG's San Joaquin River salmon escapement model, VAMP data and information, and other information regarding San Joaquin River flows needed to protect beneficial uses. The State Water Board will hold a workshop in summer of 2008 on San Joaquin River flow issues. As part of the strategic workplan, the State Water Board will establish a timeline to review and, as appropriate, amend the San Joaquin River flow objectives or their implementation.   | <b>Partial</b> | 2006 Bay-Delta Plan commitment.   |
| 6. | In the strategic workplan, the Water Boards will establish a timeline and scope of a proceeding to: (1) protect public trust resources and balance the competing demands for water in and from the Bay-Delta; and (2) evaluate the reasonableness of the SWP's and CVP's method of diversion from the Delta.  | <b>No</b>      | Evidence from existing processes including: Delta Vision, the Bay-Delta Conservation Plan, CALFED End of Stage 1, and other processes indicate a need to reexamine diversions from the Delta. |

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| 7.  | The Water Boards will develop a comprehensive long-term Delta-wide monitoring program to provide data on contaminants in sediments, water, and aquatic organisms. The San Francisco Bay RMP will be used as a model for this program. This monitoring program will be integrated into current monitoring efforts such as the San Joaquin River Basin Monitoring Partnership and monitoring conducted by the IEP. | <b>No</b>  | Lack of information concerning the effects of contaminants in the Bay-Delta, as evidenced by the POD and related issues.   |
| 8.  | The Water Boards will require characterization of discharges to and from Delta islands for water quality purposes.   | <b>No</b>  | Lack of information concerning the current and potential future effects of Delta discharges. Information is needed to accurately analyze effects of future changes in Delta water conveyance.          |
| 9.  | The Water Boards will execute a contract to conduct screening studies of potential inhibition of primary productivity and toxicity to fish associated with ambient ammonia concentrations in the Delta in consultation with the IEP's POD investigations, and implement appropriate regulatory controls to protect beneficial uses.  | <b>Yes</b> | The State Water Boards commitment to fund this work has been included in the 2008 IEP budget.  |
| 10. | The Water Boards will implement, in conjunction with other state agencies including DPH, a standardized monitoring program to better understand blue-green algae blooms. The program will be used to determine the need for, and development of, appropriate regulatory controls to protect beneficial uses throughout the state, including the Bay-Delta.   | <b>Yes</b> | The State Water Board, in Resolution 2006-0016, authorized funding of \$750,000 from the State Water Pollution Cleanup and Abatement Account for blue-green algae data collection and risk assessment. |
| 11. | The Water Boards will take the following actions to develop or implement TMDLs or other actions addressing water quality impairments:  |            |  |
|     | (a) To implement the OP pesticide TMDL, the Water Boards will require management plans to address exceedances of OP pesticide water quality objectives in discharges and evaluate water quality impacts from replacement products, such as pyretheroid pesticides.   | <b>Yes</b> | Multiple TMDLs.  |
|     | (b) The Water Boards will obtain the study information required to complete the final San Joaquin River SDWSC Dissolved Oxygen TMDL allocation.  | <b>Yes</b> | DO TMDL adopted by the State Water Board in November 2005.   |
|     | (c) The Water Boards will evaluate dissolved oxygen and other relevant data to evaluate low dissolved oxygen conditions in Old and Middle rivers, and prioritize development of a TMDL.  | <b>Yes</b> | Water Code section 303(d) identifies Old and Middle rivers as impaired for low oxygen.   |

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|     | (d) The Water Boards will continue to negotiate a management agency agreement with USBR to implement a real-time salinity management program by August of 2008, as required by the San Joaquin River at Vernalis Salt and Boron TMDL.   | <b>Yes</b> | Salt and Boron TMDL adopted by the State Water Board in November 2005.  |
|     | (e) The Water Boards will develop and adopt salt and boron water quality objectives in the San Joaquin River upstream of Vernalis, and an associated TMDL.  | <b>Yes</b> | Water Code section 303(d) identifies portions of the San Joaquin River as impaired for electrical conductivity (salinity). Direction in State Water Board Decision 1641. CEQA scoping began in May of 2005. |
|     | (f) The Water Boards will develop and adopt a selenium TMDL in the Delta and northern San Francisco Bay.  | <b>Yes</b> | Water Code section 303(d) identifies portions of the Bay and Delta as impaired for selenium. Project Plan completed in July of 2007.  |
|     | (g) The Water Boards will adopt a TMDL for mercury in the Delta and begin implementation along with the existing TMDL for mercury in San Francisco Bay.   | <b>Yes</b> | Water Code section 303(d) identifies the Delta and the Bay as impaired for mercury. State Water Board adopted San Francisco Bay TMDL in July of 2007. Delta TMDL drafted.                                   |
|     | (h) Pathogen counts in a number of Delta waterways in the City of Stockton urban area exceed applicable numerical criteria. A TMDL is tentatively scheduled for consideration by the Central Valley Regional Water Board in January of 2008. The TMDL will be implemented by including stormwater monitoring and best management practices in NPDES permits for discharges in the affected waterways. | <b>Yes</b> | Water Code section 303(d) identifies waterways in the Stockton urban area as impaired for pathogens. TMDL tentatively scheduled for Central Valley Regional Board consideration in January of 2008.         |
|     | (i) The Water Boards will complete and consider adopting a PCB TMDL for San Francisco Bay and the westernmost Delta (tentatively scheduled for San Francisco Bay Regional Water Board consideration in January 2008).   | <b>Yes</b> | Water Code section 303(d) identifies portions of the Bay and Delta as impaired for PCBs. TMDL tentatively scheduled for San Francisco Bay Regional Water Board consideration in January of 2008.            |
| 12. | To address unknown toxicity in the Delta, the Water Boards will compile and assess available data on contaminants and toxicity to determine whether   | <b>Yes</b> | Contracting under way. 2006 Bay-Delta Plan, POD emerging  |

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|     | contaminants are a likely contributor to the POD in the Delta. The Water Boards also will develop a short and long-term toxicity response program focused on identifying, and quickly eliminating, toxic conditions in the Delta.  |                | issue.  |
| 13. | The Water Boards will track progress in maintaining a delta smelt refuge population and will take action, as appropriate, to ensure a refuge population is sustained as long as necessary.   | <b>Pending</b> | Proposal before the State Water Board to assure continued population of delta smelt.                          |
| 14. | The Water Boards will encourage the Department of Pesticide Regulation (DPR) to expedite their pyrethroid pesticide re-registration process and provide agricultural commissioners with guidance on pesticide use restrictions that could be implemented in the interim. The Water Boards will establish a memorandum of understanding (through DPR) with Delta county agricultural commissioners to place special restrictions on pesticide use on Delta islands and lands on the Delta's periphery.  | <b>No</b>      | Need to reduce potential impacts from pesticide applications in the Delta.                                    |
| 15. | The Water Boards will develop and consider adopting as a Basin Plan amendment a comprehensive policy and implementation plan to improve water quality for municipal and domestic supply beneficial uses (Delta Drinking Water Policy) by the end of 2009.  | <b>Yes</b>     | Policy expected in 2009.  |
| 16. | The Water Boards will develop and adopt sediment quality objectives for enclosed bays and estuaries that will protect beneficial uses of water in the Bay-Delta. The Water Boards will consider adoption of final sediment water quality objectives for enclosed bays and interim sediment quality objectives for estuaries (including the Delta) in January of 2008. By 2010, the Water Boards will consider adoption of final sediment quality objectives for estuaries (including the Delta).   | <b>Yes</b>     | Water Code section 13392.6. Policy tentatively scheduled for State Water Board consideration in January 2008. |
| 17. | To remedy the impacts of once-through cooling water intake structures on marine and estuarine life, the Water Boards will develop and consider adopting a statewide policy to implement Clean Water Act section 316(b) (33 U.S.C. § 316(b)) which requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. Following adoption of the policy, the Water Boards will impose appropriate NPDES permit conditions on the power plants in Pittsburg and Antioch consistent with the once-through cooling policy. The Water Boards will also consider other interim regulatory actions to address potential impacts of the power plants before the once-through cooling policy is adopted. | <b>Partial</b> | Proposed policy developed in July 2006.   |
| 18. | The Water Boards will develop and implement regulatory controls in coordination with SLC and USEPA to address the introduction of invasive species and other pollutants from ballast water discharges and other vessel-  | <b>Yes</b>     | Public Resources Code sections 71204.6 and 71203.5(b).  |

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|     | related vectors such as hull biofouling introductions.  |            |                                     |
| 19. | The Water Boards will participate in the development of the Suisun Marsh Habitat Management, Preservation, and Restoration Plan. Following development, the Water Boards will consider making any necessary changes to the Bay-Delta Plan, water right permit and license conditions, and take other appropriate actions to resolve water quality concerns. | <b>Yes</b> | 2006 Bay-Delta Plan commitment.     |
| 20. | In their Strategic Plan update, the Water Boards will address the use of water use efficiency to promote the efficient use of water supplies and the protection of beneficial uses of water from the Bay-Delta and areas throughout the state.  | <b>No</b>  | Part of Draft Strategic Plan update |
| 21. | Water Board staff will use the existing interagency agreement with the University of California to assure that their activities and actions are based upon sound science.   | <b>Yes</b> | Existing contract.                  |